

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY CHARLES RENN,

No. C 11-3471 SI (PR)

Petitioner,

**ORDER DENYING REQUEST FOR A
CERTIFICATE OF
APPEALABILITY;**

v.

R. GROUNDS,

**ORDER DENYING REQUEST TO
PROCEED IN FORMA PAUPERIS ON
APPEAL**

Respondent.

The petition for writ of habeas corpus was dismissed as untimely, a certificate of appealability (“COA”) was denied, and judgment entered in favor of respondent on March 21, 2012.

Petitioner’s motion for a COA (Docket No. 17) is DENIED as moot, the Court having declined to issue a COA in the order of dismissal.


Petitioner’s motion for leave to proceed *in forma pauperis* (“IFP”) on appeal (Docket No. 18) is DENIED. The record shows no valid grounds on which an appeal can be based. Consequently, the Court certifies that any appeal taken from the order of dismissal and judgment of this action will not be taken in good faith and is therefore frivolous. Fed. R. App. P. (“FRAP”) 24(a)(3)(A); *Ellis v. United States*, 356 U.S. 674, 674–75 (1958); *Hooker v. American*

1 *Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002). The Clerk shall forthwith notify plaintiff and the
2 Court of Appeals of this order. *See* FRAP 24(a)(4). Petitioner may file a motion for leave to
3 proceed IFP on appeal in the Court of Appeals within thirty days after service of notice of this
4 order. *See* FRAP 24(a)(5). Any such motion “must include a copy of the affidavit filed in the
5 district court and the district court’s statement of reasons for its action.” *Id.*

6 The Clerk shall terminate Docket Nos. 17 and 18.

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8 **IT IS SO ORDERED.**

9 DATED: January 24, 2013

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12 SUSAN ILLSTON
13 United States District Judge
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